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OFFICE OF PETITIONS

ON PETITION

In re Application of
Nemirofsky et al.
Application No. 10/618,569
Filed: July 11, 2003
Attorney Docket No. EXPH0003

This is a decision in response to a petition under 37 CFR 1.137(b), filed August 3, 2009, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

A review of the record discloses that a final Office action was mailed on December 22, 2008, which set a shortened statutory period for reply of three (3) months. An extensions of time pursuant to the provisions of 37 CFR 1.136(a) was filed on June 22, 2009. Therefore, the response in the form of an amendment filed June 22, 2009 is considered timely.

Since no abandonment exists, the petition under 37 CFR 1.137(b) is unnecessary. The petition fee of \$810 and Request for Continued Examination (RCE) fee of \$405 will be credited to counsel's deposit account in due course.

The application is being referred to Technology Center AU 3688 for appropriate action by the Examiner in the normal course of business on the reply received June 22, 2008.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Inquiries relating to further prosecution should be directed to the Technology Center at (571) 272-3600.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>09/11/09</u>		2 Serial/Patent # <u>10/618,569</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
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	Notice of Appeal/Appeal			\$							
X	Petition			\$ 810.00							
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			7 TOTAL AMOUNT OF REFUND	\$ 1,215.00							
10 REASON:		8 TO BE REFUNDED BY:									
		Treasury Check									
Overpayment		Credit Deposit A/C #:									
Duplicate Payment		9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"> <tr> <td style="width: 20px;">0</td> <td style="width: 20px;">7</td> <td style="width: 20px;">--</td> <td style="width: 20px;">1</td> <td style="width: 20px;">4</td> <td style="width: 20px;">4</td> <td style="width: 20px;">5</td> </tr> </table>			0	7	--	1	4	4	5
0	7	--	1	4	4	5					
X	No Fee Due (Explanation):										
Patent Application is not abandoned.											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>A. Kelley</u>		TITLE: <u>Petitions Examiner</u>									
SIGNATURE: <u><i>A. Kelley</i></u>		PHONE: <u>2-6059</u>									
OFFICE: <u>Office of Petitions</u>											
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APPROVED: <u><i>[Signature]</i></u>		DATE: <u>9/11/09</u>									

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